April | 2007

The Law Society of Manitoba

COMMUNIQUÉ

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President's Report

Jon van der Krabben

It seems like it was a very short time ago that I was elected President, but the reality is that this occurred in the middle of May, 2006 and my term is pretty much at its end. It has been a challenging and rewarding endeavour and one that I do not regret taking on. The Law Society appeared to be in very good shape when I began my term and still appears to be in relatively good shape, and I therefore believe I have succeeded in my number one goal… not messing things up.

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The shortage of lawyers at present appears to have been the status quo for some time, with little or no relief on the horizon.

Important Rule Change

If you plan to hire a law school student or an articling student, you need to read this! If you assign work to a student, you should also read this. There are new rules about what kind of work you can assign to students and the supervision that is required. Here are the highlights:

- The new rules no longer differentiate between a student in law school, a student in a clinical program, or an articling student. The same rules apply to all students;
- There is no longer a list of things students are allowed to do or a list of things they can't do;
- It is the responsibility of the supervising lawyer to assess the skills, experience, and ability of the **individual student** and only assign work to the student that the student is competent to do;
- It is the responsibility of the supervising lawyer to monitor that work to ensure that the client is well served;
- While there are no specific activities prohibited, one of the factors to consider in assigning work is the seriousness of the matter and the potential consequences for the client;
- Keep in mind that with respect to court matters, the judge has ultimate authority to decide who may appear in front of her or him;
- **The Law Society intends to enforce these rules strictly.** You can no longer hand a file to a student and hope for the best. You need to be sure that the student is competent to handle the matter you are assigning and to monitor the student's work regularly on that file.

Mandatory CLE... A Vigorous Debate

Benchers Meeting Highlights

ALLAN FINKBEINER, Q.C.
CHIEF EXECUTIVE OFFICER

The Benchers of the Law Society of Manitoba met on March 22, 2007 and had a vigorous policy discussion about mandatory CLE: a requirement that every practising lawyer attend a minimum number of hours of continuing legal education each year.

You may recall that President **Jon van der Krabben** wrote a *Communiqué* article almost a year ago talking about this issue and inviting your input. Since then the Admissions and Education Committee, chaired by **Todd Rambow**, has been studying the issue. The Committee looked at what is being done in other provinces, other countries, and what other professions do. Ultimately, the Admissions and Education Committee recommended that we **not** move to mandatory CLE at this time, but instead follow the model in place in Ontario and British Columbia by setting a standard (12 hours per year) and establishing a **mandatory** annual **reporting** requirement (every lawyer would be required to keep a record of their CLE attendance during the year and to report on it annually to the Law Society).

The Benchers discussed this recommendation at some length. Would mandatory continuing legal education actually enhance competence? Are there adequate CLE opportunities outside of Winnipeg or in highly specialized areas of practice? Would a mandatory reporting model cost a lot to administer? Is it justifiable for the Law Society to impose a reporting requirement on lawyers who have done nothing but practise safely and effectively for years?

In the end the Benchers directed that rule amendments be drafted for their consideration at their June meeting which would set a standard for continuing legal education and impose a mandatory annual reporting requirement to take effect for the year, beginning April 1, 2008. They decided that this would give them an information base on which to make future decisions. It would enable them to assess whether there are adequate continuing legal education opportunities available, what people were doing (or not doing), and what types of programming and formats for delivery were the most effective.

At their April 22nd meeting, the Benchers also:

- Passed rule amendments to fully implement the National Mobility Agreement now that the last two provinces (PEI and New Brunswick) have signed on, and also to implement the Territorial mobility agreement;
- Approved, in final form, new rules for supervision of students. This is a very significant change that will be important for every lawyer who employs law school students or

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Would mandatory continuing legal education actually enhance competence?

Are there adequate CLE opportunities outside of Winnipeg?

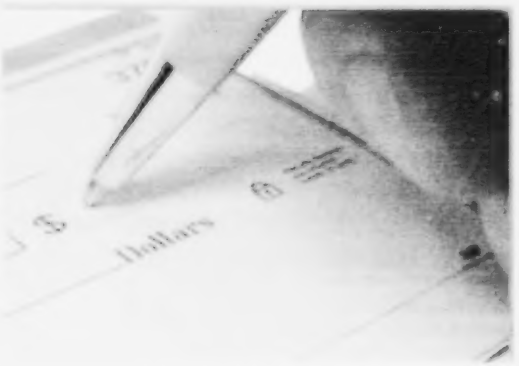
Would a mandatory reporting model cost a lot to administer?

Cheque Imaging: How to meet Law Society Requirements

Sherri Jack
Director of Audit

A number of years ago the Canadian Payments Association (CPA) announced an industry-wide transition to a new cheque clearing process. Once fully phased in, customers will no longer receive their actual cheques back with their monthly bank statement. Instead, they will have access to imaged (digitally reproduced) cheques. Law Societies across Canada have had concerns about the prospect of imaged cheques and more specifically the issues concerning readability of the images and their retention period. In an attempt to address these concerns, the Federation of Law Societies formed a committee to correspond with the CPA. Although communication is ongoing, and full implementation of the new clearing process is not scheduled until 2008, some financial institutions (FI) have already started to introduce image based services. Recently, a few members advised us that their FI will no longer be returning the actual cheques.

Services currently being offered by some financial institutions include online access to cheque images. CD-ROMS of cheque images or a statement with images of cleared cheques included with the client's bank statement. It is anticipated that there will be differences between the various FIs in terms of information offered. Members should be aware that they are responsible to obtain the appropriate documentation from their FI. In order to meet the Law Society requirements your firm must either obtain the original cleared cheques (if still an option) or request that your FI provide you with legible imaged copies of both front and back of all cleared cheques. If your FI will only provide on-line access of the images or a CD-ROM, you must **print** a hardcopy of the cheques (front and back) for your records. As a means to keep these documents organized, the copies should be stored in a binder. It should also be noted that legible bank statements printed off the computer are an acceptable alternative to receiving a copy of your monthly bank statement in the mail.



As mentioned, each FI may differ in the information provided, so it is up to you as a Law Society member to discuss the requirements with your FI and obtain the appropriate documentation. This may require you to negotiate, especially if your FI suggests charging a fee for providing the images. In an extreme case, this might mean changing FIs if they won't meet the requirements.

Law Societies Sign Territorial Mobility Agreement

Vancouver, B.C., November, 2006

(Left to right) Alma Wiebe, Q.C. (SK), Michel Doyon (Barreau, PQ), Robert Basque, Q.C. (NB), Mona Duckett, Q.C. (AB), Jon van der Krabben (MB), Gavin MacKenzie (ON), Tracy-Anne McPhee (YK), M. Lynn Murray, Q.C. (PEI), Sarah Kay (NT), Suzanne Boucher (NU), Robert McDiarmid, Q.C. (BC), Paul McDonald (NL & Labrador), Philip Star, Q.C. (NS)

Report of the Equity Ombudsperson

Brenlee Carrington Trepel, Equity Ombudsperson

If you don't have a written harassment policy, your workplace is in violation of new amendments to regulations under The Workplace Safety and Health Act.

At the well-attended March CLE on Accommodating Disabilities in the Workplace, Taylor McCaffrey partner Grant Mitchell presented on the February, 2007 legislative changes that impact on Manitoba employers—including law offices. This article is excerpted from the paper Grant submitted. My thanks go out to Grant for giving me permission to use it.

"The Manitoba Human Rights Code requires employers seeking to avoid vicarious liability for discriminatory acts of their representatives to do three things (s. 10 of the code):

a) take reasonable steps to prevent discrimination ;
b) not consent to discrimination; and
c) take reasonable steps to remedy the discrimination.

To satisfy these tests and show due diligence, an employer pretty much has to have a respectful workplace policy…The contents of such a policy were not previously spelled out in Manitoba legislation. Now, they are. And you in your office, and your clients, in their workplaces, have been obliged to have such a policy in place since February 1, 2007."

In other words, if you don't have such a policy in place—you're breaking the law.

"The WS&H Regulation obliges every workplace under Manitoba provincial jurisdiction to develop and implement a written policy to prevent harassment in the workplace and to ensure that workers comply with it. The contents of the policy are mandated by s. 10.2(1):

a) every worker is entitled to work free of harassment
b) the employer must ensure, so far as is reasonably practicable, that no worker is subjected to harassment in the workplace;
c) the employer will take corrective action respecting any person under the employer's direction who subjects a worker to harassment;
d) the employer will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is
   (i) necessary to investigate the complaint or take corrective action with respect to the complaint, or
   (ii)required by law;
e) a worker has the right to file a complaint with the Manitoba Human Rights Commission;
f) the employer's harassment prevention policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

The policy must also meet some procedural requirements under s. 10.2(2)."

"You may wish to add a provision on violence in the workplace to your law office policy on harassment because of Part 11 of the WS&H Regulation. Every workplace must now conduct a risk assessment and if there's a risk of violence identified, a policy must be developed and implemented, and training in violence prevention should be provided and enforced.

Since February 1, 2007, you have been obligated, by law, to have a respectful workplace policy in your office.

Violence is defined in the WS&H Regulation to include: "The attempted or actual exercise of physical force against a person and any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person." It's important to note that not just assault but the threat of assault fits the definition. It would be an unusual law office that did not find a risk of violence, given this definition."

"The WS&H dictates the contents of the policy in s. 11.1(3). For example, it requires that:

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Allan's Odds&Ends

Allan Fineblit, Q.C.
Chief Executive Officer

1. That **Grant Mitchell**...what a guy! Not only does he run across Lake Winnipeg every spring, but he thoughtfully sends out a lengthy email with a stride by stride account of the run. Short version: perfect conditions, 11 minutes faster than last year.

2. Many of you will remember **Brent Mills** who left his practice with Meighen, Haddad in Brandon to become President of the Assiniboine Community College. Brent's latest adventures are in the United Arab Emirates where he is running several community colleges and sending loyal fans excerpts from his journal. Here are a few excerpts:

   "The residential arrangement of preference for nationals is a large cluster of villas surrounded by ten foot concrete fences with imposing locked gates. The resemblance to ancient fortresses designed to protect the family or tribe is hard to miss. Similarly, the cultural tradition of keeping the women folk out of sight for security reasons still persists in some quarters."

   "Skilled labour and project management skills in the residential construction market, both appear in short supply resulting in lots of funny stories. My favourite involves a couple of college instructors who were told by their landlord that he was planning to replace the fence around their villa during their summer leave. Sure enough, when they returned their property was surrounded by a brand new ten foot high concrete fence. The employed labourers had done exactly as requested. Unfortunately the landlord had forgotten to specify the gate."

   "Thousands of Emiratis maintain 'farms' in the desert where camels and goats are bred and raised... A typical camel farm looks a lot like a small feed lot in Saskatchewan in winter, if you replace the snow with sand."

3. Go figure...Morden, home of corn and apples, and of course my classmates **Gordon Hoeschen** and **Jerry Dykman** held a tribute to their legal community this month...no really, they did! Featured guests included three former Mordenite justices: Duncan, Hanssen and Menzies. With those three characters in town, I expect it was more of a roast than a toast!

4. Congratulations to **Debbie Rossol** who was promoted to the position of Administrative Registrar of our Legal Studies Department and welcome to **Jennifer Lavallee** who has been hired to replace Debbie as the Administrative Assistant to our CLE program.

Outstanding Interest on Client Accounts

Pursuant to Rule 5-57 of the Rules of the Law Society of Manitoba, a lawyer is entitled to charge interest on unpaid fees, charges or disbursements where the lawyer and client have so agreed. Such interest is calculated from a date that is at least one month after the date the bill is delivered to the client.

The rate of interest that may be charged shall not exceed the rate established under Section 161 of the *Income Tax Act* (Canada) on the date the bill is delivered. The interest rate effective for the period April 1, 2007 to June 30, 2007 is 9%.

Notice Of Benchers Meeting

The next meeting of the Benchers of the Law Society of Manitoba will be held on **Thursday, May 17, 2007 at 12:30 p.m.** in the Society's classroom, 219 Kennedy Street, Winnipeg, Manitoba. Members of the Society are encouraged to attend and participate in the deliberations of the governing body.

Seven Things to Remember

ALLAN FINKBEINER, Q.C.
CHIEF EXECUTIVE OFFICER

1 Some lawyers are using old precedents for their contingency agreements. For example, those precedents make reference to old legislation (Section 58 of The Law Society Act) and some even attach those old sections. The Act is now called The Legal Profession Act and the contingency section is Section 55.

2 On May 1st at noon the Law Society is hosting a lunch at The Fort Garry Hotel honouring seven lawyers who have practised law for 50 years or more. The honourees are **Alvin S. Corne**, **Sidney Green, Q.C.**, **Murdoch MacKay, Q.C.**, **Melville Neuman, Q.C.**, **Serge Radchuk, Q.C.**, **Manly Rusen** and **Edward (Ross) Yarnell, Q.C.** For tickets ($35 each or a table of eight for $250), contact Pat Bourbonnais at 926-2038.

3 Last September, all insured lawyers in the province were issued a $100 education credit. Don't forget to use it because on August 31st you will lose it! Most Law Society CLE programs qualify for the credit and you just need to mention the credit when you register.

4 Going out on your own? Office systems not working for you? Thinking about winding down? The Law Society's Practice Management Advisor can help. **Barney Christianson** is on contract to the Law Society to provide free practice management advice. He can't give you legal advice (not for free anyway) but he can help with issues relating to the management of your practice. He can be reached at (204) 857-7851 or by email at bchristianson@ccjlaw.ca.

5 Is your principal office outside of Winnipeg? Are you in private practice or corporate counsel? If so, you are entitled to **free** access to a great legal research tool, **eCarswell's LawSource**. To register, contact Molly Leung at molly.leung@thomson.com.

7 Have you signed up for eLaw yet? Get a monthly email that tells you what's new in your area of practice with links to more information if you want it. eLaw has just added a practice management series in addition to property and succession, business law, family law, litigation, and criminal law. To sign up in your field(s) of interest, send an email to elaw@lawsociety.mb.ca.

6 ***Thursday Night Live***

Thursday, May 24th at 5:30, come and hear some great war stories of the '50s, '60s and '70s recounted by Charlie Huband, Ron Meyers, Trevor Anderson, and Doug Abra, with musical interludes by Bill Gange reprising some of his greatest Bar Smoker hits. There will be pizza, cocktails, and prizes. Did you ever wonder which lawyer has had the most divorces? What Manly Israels wrote in his little black book? Do you want to hear about some great practical jokes played on lawyers? To find out the answers, get your tickets ($10) early as seating is limited. Call Legal Studies at (204) 942-5571 or email to cle@lawsociety.mb.ca.

$100 Credit on Excess Insurance for Claims Over $1 Million

TANA CHRISTIANSON
DIRECTOR OF INSURANCE

Lawyers in Manitoba have mandatory insurance coverage of $1 Million. Recent claims experience shows us that for many firms and sole practitioners, $1 Million in insurance coverage is no longer sufficient. Lawyers and law firms without excess insurance have to satisfy any claims over $1 Million out of their own pockets. Also, the $1 Million mandatory coverage includes damages and defence costs, so legal fees spent on behalf of the Insured lawyer erode those limits.

Because we think it is important that lawyers and law firms who need excess insurance do purchase it, The Professional Liability Claims Fund will provide a $100 credit per lawyer on the first $1 Million of excess insurance purchased from CLIA.

Excess coverage can be purchased through the Canadian Lawyers Insurance Association (CLIA) in amounts from $1 to $9 Million in excess of the $1 Million mandatory insurance. More information on the $100 credit, CLIA's rate structure and applications are available from the Professional Liability Claims Fund Department of the Law Society of Manitoba.

If you have any questions about excess insurance, please contact Bonnie Harvey or Tana Christianson of the Professional Liability Claims Fund.

Tana Christianson	926-2011
Bonnie Harvey	926-2026

Premium Rates per Lawyer

Limit of Liabilities	(July 1, 2007 to July 1, 2008)	
$1,000,000 per occurrence/and aggregate	$ 409 (less $100 credit)	$ 309
$2,000,000 per occurrence/and aggregate	$ 547 (less $100 credit)	$ 447
$3,000,000 per occurrence/and aggregate	$ 700 (less $100 credit)	$ 600
$4,000,000 per occurrence/and aggregate	$ 821 (less $100 credit)	$ 721
$9,000,000 per occurrence/and aggregate	$1,273 (less $100 credit)	$1,173

Speak Now or Forever Hold Your Peace

TANA CHRISTIANSON
DIRECTOR OF INSURANCE

If you know of any circumstances which might possibly, at some point in the future, give rise to an insurance claim against you and you want coverage under your Insurance Policy, then you must report those circumstances to the Law Society's Professional Liability Claims Fund staff before the end of June.

The current Lawyers Professional Liability Insurance Policy runs from July 1, 2007 to July 1, 2008, as does the CLIA Excess Policy of Insurance and many other excess policies. Lawyers' liability insurance policies are written on a claims-made basis. Section 4.2 of our Policy provides coverage for claims made during the policy period, provided that the Insured had no knowledge of the claim or potential claim before the policy period commenced and could not reasonably have foreseen that a claim might arise. Therefore, if you have knowledge of a problem or are concerned about a file now, you should be putting the Professional Liability Claims Fund staff on notice before this policy year runs out on July 1, 2007. Claims Fund staff can be reached at:

Tana Christianson	926-2011
Kate Craton	926-2012
Louise Ritchie	926-2021

Rules for submission of material to Court of Appeals Registry Office

TANA CHRISTIANSON
DIRECTOR OF INSURANCE

No, this is not a notice for another dinner or lunch. This is a reminder to be sure to diarize your files for important events. Generally, you have been good in diarizing limitations, service dates and appeal periods. Please keep up the good work in those areas.

This notice is to inform you of another area that you must be sure to diarize: filing deadlines of materials for the Court of Appeal. According to a Notice issued by the Registrar of the Court of Appeal on February 1, 2007, the Court of Appeal's Registry Office will reject any material not submitted in accordance with its Rules, except in special circumstances, and at the discretion of the Registrar. Furthermore, the Court's notice warns that factums will not be accepted if they do not state the basis of the Court's jurisdiction and the applicable standard of review on each issue under appeal. The Court also warns that a respondent seeking to file a factum after the deadline for doing so may require special permission before a chambers judge. Failing to file on time or having your materials rejected may be errors about which you need to notify your insurer and your client. The Code of Professional Conduct, the Law Society Rules and your Insurance Policy all obligate you to advise your client and your insurer in the event of an error.

Be sure to read all of The Court of Appeal Act, its Rules and any Notices and Practice Guidelines issued by the Court as soon as your file contemplates the involvement of the Court of Appeal. When doing so, note all of the filing and service deadlines together with the format and content requirements of your materials. This information is readily accessible at www.manitobacourts.mb.ca. If you have not been before the Court recently (and this applies to any court or tribunal you might become involved with), do not rely on what the practice was when you last appeared. Check for recent changes to the Rules or practice guidelines. It will be less time consuming to take these steps at the beginning of a matter than trying to fix it after the fact or not being able to fix it at all.

Equity Ombudsperson's Report

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a) the employer must ensure so far as is reasonably practicable that no worker is subjected to violence in the workplace;
b) the employer will take corrective action respecting any person under the employer's direction who subjects a worker to violence;

There is also a mandated process of how to eliminate the risk of violence or where elimination of the risk of violence to a worker is not possible, how to minimize the risk of violence to a worker. Also discussed is how to report an incident of violence and how an incident of violence will be investigated."

Both the harassment and the workplace violence policies are to be posted in conspicuous locations. The employer is also mandated to inform workers of the risk of violence, the nature and extent of the risk and the risk of violence from persons whom workers are likely to encounter in the course of their work.

Since the Act requires a workplace health and safety committee in any workplace of 20 or more workers, it's now mandatory in many law offices.

To review The Law Society of Manitoba's Model Policy on Respectful Workplace go to www.lawsociety.mb.ca/equity.htm.

Are you experiencing discrimination or harassment? Would you like assistance with implementing an office policy? If you have any respectful workplace questions or concerns or if your office would like a presentation or a consultation on the subject—just call the Equity Ombudsperson at 942-2002 or toll free at 1-866-771-2002. E-mail me at brenleecarrington@shaw.ca. All communication is strictly confidential and all services are provided free of charge.

President's Report

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During my term there have been some very important issues considered by the Benchers of the Law Society and I will not comment again on most of those issues as they were recently reported upon to you in some detail. There are several important issues on the horizon and I would not be surprised if that continues far into the future. We must be vigilant as lawyers to do our job of protecting the public properly lest we come under justifiable scrutiny for failing to do so and undermine our ability to self-govern.

One issue currently facing the profession in Manitoba appears to be an undersupply of lawyers, both generally and specifically. This is an issue that seems to come and go in cyclical fashion, although the shortage of lawyers at present appears to have been the status quo for some time with little or no relief in sight on the horizon.

There appears to be fewer lawyers entering the profession after articling, and the CPLED classes of the last 2 years have been significantly smaller than they have historically been. I know that only 56 students were called to the Bar in this Province at the mass call ceremony last June. (There were a few others called individually at later dates). This is a significantly smaller number than the number of lawyers called in 1989, which was my year of call. I believe there are likely many reasons why this is the case but I would suspect one major reason is the economic boom in other parts of Canada, which attracts away many of our graduates and newly called lawyers.

I suspect some of my colleagues who practise outside of Winnipeg may want me to keep it a secret, but the truth is that in areas outside of Winnipeg, particularly in the north, business is booming and they desperately need practising lawyers. I am advised that as at the end of March, 2007, there are 1,835 actively practising lawyers in the province but that only 198 of them practise outside of Winnipeg.

Even though I suspect that there are few of us at present that are not busy enough, I strongly urge you to keep in mind practising outside of Winnipeg as an alternative, particularly if you are seeking to start a practice. I believe it is obvious that there are both benefits and detriments to practising outside of Winnipeg. If you have grown up wanting to be a securities lawyer, then practising outside of Winnipeg may not be a viable option. If you like working in a small firm and enjoy instantly having more clients than you know what to do with, then a practice outside of Winnipeg may be for you.

The Law Society staff are always willing to help the profession, and if you are ever hesitant to contact anyone there, please do not be.

So, I am slowly inching towards the top of the final 90 degree drop on the roller coaster that was my presidency and I would sincerely like to thank various people. At the top of the list is our CEO, Allan Fineblit, and Deputy CEO, Marilyn Billinkoff, together with all of the other staff at the Law Society. I can honestly say that I have never been involved with an organization that runs as efficiently as our Law Society. We really are in excellent shape on all fronts and most of the credit belongs to the people I have mentioned above. I want to repeat a message I have delivered before. The Law Society staff are always willing to help the profession and if you are ever hesitant to contact anyone there, please do not be.

I would also like to thank past president, Garth Smorang, who, despite me poking fun at him throughout the year, was true to his word. He was always available and willing to offer assistance to me whenever asked. I also appreciate the support of vice-president, Doug Bedford, who offered unwavering support and in particular would make comments like "you did just fine" after I had delivered yet another laborious speech on behalf of the Law Society.

Finally I would like to thank the Benchers, who in my opinion are doing an excellent job of representing our profession. I was suddenly and unexpectedly thrust into this job, and in addition to having the support of the Law Society Executive and staff, it would have been next to impossible to do the job without the support of the Benchers. Although they are rumoured to be fun people, when it is time for business your Benchers never fail to focus on the issues at hand and contribute intelligently and succinctly to meeting and committee discussions.

I have met many interesting people during the last year and am grateful for the opportunity I have been given. I believe I have become a better person for it.

Membership Changes

Practising to Non-Practising

The following members have changed their status from practising to non-practising effective on the date shown:

February 24, 2007	Christine H. Klassen
April 1, 2007	Charlotte E. Young
April 1,2007	Marilyn J. Born
April 1, 2007	D. Craig Lennox
April 1, 2007	Jane E. Brueton
April 1, 2007	Susan D. Billinkoff
April 1, 2007	Stuart V. Wuttke
April 1, 2007	Shirley L. Strutt, Q.C.
April 1, 2007	Kirk R. Kirby
April 1, 2007	Roger J.A. Bilodeau, Q.C.
April 1, 2007	Evelyn M. Braun
April 1, 2007	Kurt V. Clyde
April 1, 2007	Michael A. Van Dam
April 1, 2007	Mary M. McGunigal
April 1, 2007	Catherine L. Hembroff
April 1, 2007	Harvey D. Diamond
April 1, 2007	Shauna M. Hewitt-Michta
April 1, 2007	Peggy Damianakos
April 1, 2007	Edmund G.A. Schollenberg
April 1, 2007	Constance I. Smith
April 1, 2007	Tanit L. Gilliam
April 1, 2007	John S. Lamont
April 1, 2007	Alan W. Scarth, Q.C.
April 1, 2007	Peter E. Falk

Non-Practising to Practising

The following members have changed their status from inactive to practising effective on the date shown:

January 2, 2007	Kaely E. Zettel
January 8, 2007	Carol Lynn Schafer
March 5, 2007	Christiana (Kirsty) A.S. Bower
March 15, 2007	Naomi M. Andrew
March 26, 2007	Leslie S.F. Turner
April 1, 2007	Christine R. Van Cauwenberghe
April 1, 2007	Leonard P. Offrowich
April 1, 2007	Maria V. DeJaeger
April 1, 2007	Steven R. Hyman
April 1, 2007	Maureen E. Hay
April 1, 2007	Bruce W. Syme
April 1, 2007	Darlene P. Jonsson

Inactive to Practising

The following members have changed their status from inactive to practising effective on the date shown:

February 5, 2007	Rajbir S. Dhillon
February 13, 2007	Peter B. Epp
March 1, 2007	Charles R. Huband
April 1, 2007	Caroline M. Sztaba
April 4, 2007	Donald H. Layh, Q.C.

Practising to Inactive

The following members have changed their status from practising to inactive effective on the date shown:

September 1, 2006	William R. Middleton
February 12, 2007	Jason P.J. Miller
March 1, 2007	Brian A. Juce
March 16, 2007	Michelle D. Adrian
April 1, 2007	Donald J. Sheldon, Q.C.
April 1, 2007	Stuart A. Zacharias
April 1, 2007	Mollie McVey
April 1, 2007	Joanne M. Grower
April 1, 2007	Anthony Frechette
April 1, 2007	David Margolis, Q.C.
April 1, 2007	Nalini Reddy
April 1, 2007	Kara L. Crawford
April 1, 2007	Daniel J. Overall

Transfer from Another Province

The following members were called to the Bar of Manitoba and are now entitled to practise law in this jurisdiction, having fulfilled the requirements of *Rule 5-14:*

February 20, 2007	Karen L. Webb of the Law Society of Upper Canada
March 20, 2007	Shawn M. Patenaude of the Law Society of Saskatchewan
April 2, 2007	Jarett D. Kehler of the Law Society of Alberta

Call to the Bar

Eva E. Bima was called to the Bar of Manitoba on February 20, 2007 after successfully completing the requirements of the CPLED course and articling program.

Benchers Meeting Highlights

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articling students in the future (see article elsewhere in this issue);

- Reviewed a monitoring report on the Reimbursement Fund and directed that the payment guidelines be amended to impose an individual file limit of $300,000 (which can be increased up to $1 million in extremely unusual circumstances). What this means is that no individual will be reimbursed more than $300,000 per file where their lawyer has stolen money (it is noteworthy that in the 60 year history of the Fund, we have only had one individual claim for more than $300,000);

- Reviewed a monitoring report on the ten month financial statements (pretty much right on budget);

- Received a presentation on recent enhancements to CanLII from Program Manager **Janine Miller** (check out the slick new website at canlii.org);

- Appointed a Nominating Committee consisting of Past President **Garth Smorang**, President **Jon van der Krabben**, Vice President **Doug Bedford**, Benchers **Irene Hamilton**, **Jack Cram** and **Joel Weinstein**, and non-Bencher member **Nancy Fazenda**. The Nominating Committee recommends candidates for President and Vice President and committee chairs and membership;

- Appointed Lay Bencher **Bill Burns** as Complaints Commissioner (the Complaints Commissioner reviews complaints dismissed without an investigation and has the power to order that an investigation take place).

Notice of Suspension

TAKE NOTICE that by resolution of the Discipline Committee of The Law Society of Manitoba, **PAUL VICTOR WALSH, Q.C.** was convicted of professional misconduct and suspended from the practice of law for a period of three months, commencing on April 1, 2007 through to and including June 30, 2007.

DATED at the City of Winnipeg, in the Province of Manitoba, this 4th day of April, 2007.

Allan Fineblit, Q.C.
Chief Executive Officer

This takes multi-disciplinary practices to a whole new level!

Photo taken by Errol Billinkoff from the set of the television series, Falcon Beach.

In Memoriam

Frances May Telford, who passed away on December 20, 2006 at the age of 48. Ms Telford received her call to the Bar on June 23, 1983. Upon receiving her call, she began her career practising law with the firm Udow & Co. From 1989 to 1997 she practised as a sole practitioner and then joined the firm known today as Loewen & Martens, where she continued to practice up to the time of her death.

William Martens, Q.C., who passed away on December 27, 2006 at the age of 81. Mr. Martens received his call to the Bar on December 8, 1954. He practised law for 41 years, primarily as a sole practitioner. Mr. Martens was appointed Queen's Counsel in December, 1971.

George Bernard Schmidt, who passed away on January 3, 2007 at the age of 71. Mr. Schmidt received his call to the Bar on June 26, 1968. He began his career practising law with the firm Slater & Braun in Morris, Manitoba. In 1983 he became a partner in the firm Braun Schmidt & Gregory and in 1989 opened his own firm in Morris as a sole practitioner, where he continued to practice up to the time of his death.

Cameron Richard Prawdzik, who passed away on January 16, 2007 at the age of 36. Mr. Prawdzik received his call to the Bar on June 17, 2004. He began his career practising law with the firm Taylor McCaffrey LLP. In December, 2006 Mr. Prawdzik joined the firm Mercier Dueck.

Dates to Remember:

May 1, 2007
50-year luncheon honouring lawyers whose distinguished careers have recently passed the half-century mark

May 24, 2007
Thursday Night Live - stories and music from the 50's, 60's and 70's

June 30, 2007
Deadline for reporting insurance claims under the current policy

August 31, 2007
Deadline for using your $100 continuing legal education credit

The Law Society of Manitoba

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